



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

WEDNESDAY, October 15, 2003

The Chief Clerk makes the following entries under the above date:

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 58** offered by Representative Owens.

Assembly substitute amendment 1 to **Assembly Bill 210** offered by committee on **State Affairs**.

Assembly substitute amendment 1 to **Assembly Bill 292** offered by Representatives Seratti, Grothman and Gunderson.

Assembly substitute amendment 1 to **Assembly Bill 323** offered by Representative Friske.

Assembly amendment 1 to **Assembly Bill 536** offered by Representatives Balow, J. Wood and Lothian.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 03-061

Relating to the identification of a topic of a lobbying communication that relates to an attempt to influence administrative action.

Submitted by Ethics Board.

Report received from Agency, October 7, 2003.

To committee on **Campaigns and Elections**.

Referred on October 15, 2003.

Assembly Clearinghouse Rule 03-062

Relating to the annuity dividend effective date.

Submitted by Department of Employee Trust Funds.

Report received from Agency, October 6, 2003.

To committee on **Government Operations and Spending Limitations**.

Referred on October 15, 2003.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 51

Relating to: the distribution of state funds to public school districts (first consideration).

By Representatives Krug, Turner, Boyle, Berceau, Richards, Sinicki and Plouff; cosponsored by Senators Decker and Carpenter.

To committee on **Education**.

Assembly Bill 571

Relating to: abolishing the general equalization aid formula for distributing state school aid; creating a foundation plan to fund school costs; creating a School Building Projects Board; providing state aid to school districts for building projects; creating a school levy rate limit; eliminating school district revenue limits; eliminating certain categorical aids to school districts; modifying dispute settlement procedures in local government employment other than law enforcement and fire fighting employment; creating a refundable individual income tax credit for certain sales and use taxes paid by a claimant; increasing the sales and use tax; granting rule-making authority; and making appropriations.

By Representatives M. Lehman, W. Wood, Ainsworth and Gronemus.

To joint committee on **Finance**.

Assembly Bill 572

Relating to: limiting use of tanning devices to persons aged at least 18 years and requiring tanning facility customers to present photographic identification that indicates age.

By Representatives Boyle, Cullen and Berceau.

To committee on **Small Business**.

Assembly Bill 573

Relating to: the operation of off-road utility vehicles and providing a penalty.

By Representatives Gielow, Wasserman, Ainsworth, Krawczyk, Hahn, Gunderson, McCormick and Grothman; cosponsored by Senators Darling, Kedzie, Reynolds and Schultz, by request of villages of Bayside and Fox Point.

To committee on **Transportation**.

Assembly Bill 574

Relating to: prohibiting nudity on land owned, managed, supervised, or controlled by a state agency, restricting parking

in certain parking lots in the town of Mazomanie, and providing a penalty.

By Representatives LeMahieu, Suder, Ladwig, Bies, Owens, Gundrum, Albers, Grothman and Freese; cosponsored by Senators Reynolds and Zien.

To committee on **Tourism**.

Assembly Bill 575

Relating to: operator's license renewals for certain drivers and fees for certain driving skills tests.

By Representatives Wasserman, Hines, Ainsworth, Gunderson, Jeskewitz, Krug, F. Lasee, Shilling, Taylor, Towns, Zepnick and Stone; cosponsored by Senator Robson.

To committee on **Transportation**.

Assembly Bill 576

Relating to: extending the State Employment Labor Relations Act to certain legislative employees.

By Representatives Schneider, J. Lehman and Boyle; cosponsored by Senator Wirch.

To committee on **Labor**.

Assembly Bill 577

Relating to: disclosure of social security numbers by persons who purchase goods from sellers of goods at retail and providing a penalty.

By Representatives Schneider, Musser, M. Lehman, Hahn, Gronemus, Hines, Staskunas, Plouff, Seratti, Stone and Boyle.

To committee on **Small Business**.

Assembly Bill 578

Relating to: disclosure by insurers and intermediaries of identifying information.

By Representatives Schneider, Musser, Gronemus and Boyle.

To committee on **Insurance**.

Assembly Bill 579

Relating to: health insurance coverage of vaccinations against small pox, anthrax, and other diseases caused by biological agents of potential terrorist attacks and granting rule-making authority.

By Representatives Schneider, Boyle and Hines.

To committee on **Insurance**.

Assembly Bill 580

Relating to: fuel price gouging and providing a penalty.

By Representatives Schneider, Hahn, Gronemus and Boyle.

To committee on **Small Business**.

Assembly Bill 581

Relating to: discharge or discrimination against an employee for disclosing the employee's compensation.

By Representatives Schneider and Sinicki.

To committee on **Labor**.

Assembly Bill 582

Relating to: restoration of legislative partisan caucus staffs and solicitation or receipt of services for a political purpose from state officers and employees.

By Representative Schneider.

To committee on **Assembly Organization**.

Assembly Bill 583

Relating to: return of security deposit to tenant.

By Representatives Schneider, Hahn, Bies and Hines.

To committee on **Housing**.

Assembly Bill 584

Relating to: admissibility of a digitally produced photograph, film, audio, or video.

By Representatives Schneider and Hahn.

To committee on **Judiciary**.

Assembly Bill 585

Relating to: expanding the right of privacy.

By Representatives Schneider, Musser, Hahn, Gronemus, Owens and Boyle.

To committee on **Judiciary**.

Assembly Bill 586

Relating to: gifts given or offered by prescription drug manufacturers and distributors to encourage practitioners to prescribe certain drugs and providing a penalty.

By Representatives Schneider, Bies, Sinicki, Underheim and Zepnick; cosponsored by Senators Erpenbach, Schultz, Hansen and Cowles.

To committee on **Health**.

Assembly Bill 587

Relating to: prohibiting persons who provide broadcast and cable television services from transmitting programming that is encrypted in a certain manner.

By Representative Schneider.

To committee on **Energy and Utilities**.

Assembly Bill 588

Relating to: local government telecommunications utilities and public hearings for ordinances and resolutions authorizing local government cable television, telecommunications, and Internet access facilities.

By Representatives Montgomery, Vrakas, Suder, J. Fitzgerald, F. Lasee, Owens, Gunderson, Schneider, Shilling, D. Meyer, Hundertmark, Stone, Huebsch, Gronemus, Pettis, Grothman, J. Wood, Van Roy, Musser, Nass, Seratti, LeMahieu, Hines, Friske and Jeskewitz; cosponsored by Senators Kanavas, Kedzie, Stepp, Reynolds, M. Meyer, S. Fitzgerald, Wirch, Leibham, A. Lasee, Plale, Brown, Carpenter, Welch and Breske.

To committee on **Energy and Utilities**.

Assembly Bill 589

Relating to: the immobilization, impoundment, and disposal of unregistered motor vehicles.

By Representatives Zepnick, Coggs, Ott, Sinicki, Taylor and Weber.

To committee on **Transportation**.

Assembly Bill 590

Relating to: requiring certain school buses to be equipped with safety belts and permitting school boards to require the use of safety belts and child safety restraint systems on certain school buses.

By Representatives Morris, Young, Taylor, A. Williams, Hines and Coggs; cosponsored by Senators Moore and Risser.
To committee on **Transportation**.

Assembly Bill 591

Relating to: recording and filing documents with the offices of register of deeds and the Department of Financial Institutions.

By Representatives F. Lasee, Kerkman, M. Lehman, Seratti, Hahn, Hundertmark, Ladwig, McCormick, Olsen, Hines, Kestell, Weber, Van Roy, Townsend, Bies, LeMahieu, Gunderson and Vrakas; cosponsored by Senators Cowles, Roessler, Wirch, Lassa and Breske.

To committee on **Financial Institutions**.

Assembly Bill 592

Relating to: supplemental Medical Assistance payments to county, city, town, or village nursing homes and making an appropriation.

By Representatives LeMahieu, Lothian, Kestell, Towns, Grothman, Powers, Wieckert, Gunderson, F. Lasee, Johnsrud, Ladwig, Van Roy, Suder, Gronemus, Schneider, Ainsworth, Musser, W. Wood, Gottlieb, Ziegelbauer, Hundertmark, J. Fitzgerald, McCormick, Townsend, M. Lehman, Van Akkeren, Pocan, Petrowski, Schooff, Hahn and Albers; cosponsored by Senators Leibham, Welch, Zien, Robson, Brown, Kedzie, Breske, Cowles, Reynolds, Stepp, S. Fitzgerald, Schultz, Wirch, A. Lasee and Roessler.

To joint committee on **Finance**.

Assembly Bill 593

Relating to: publication of municipal legal notices.

By Representatives Owens, Ainsworth, Hines, Ladwig, F. Lasee and Lothian; cosponsored by Senators A. Lasee, Reynolds and Roessler.

To committee on **Urban and Local Affairs**.

Assembly Bill 594

Relating to: the installation of traffic control signals on highways and granting rule-making authority.

By Representatives Ainsworth, Bies, Friske, Gard, Gronemus, Gunderson, Hahn, Hines, Huber, Kerkman, Lothian, McCormick, Musser, Nass, Olsen, Owens, Petrowski, Stone, Suder, Van Roy and Rhoades; cosponsored by Senators Leibham, Harsdorf, Roessler and Schultz.

To committee on **Transportation**.

Assembly Bill 595

Relating to: civil liability exemption for claims resulting from weight gain and obesity.

By Representatives Vrakas, Gundrum, Gronemus, Albers, Bies, J. Fitzgerald, Friske, Gottlieb, Grothman, Gunderson, Hahn, Hines, Honadel, Hundertmark, Jeskewitz, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, McCormick, Montgomery, Musser, Nass,

Nischke, Olsen, Ott, Pettis, Petrowski, Schneider, Seratti, Stone, Suder, Towns, Townsend, Van Roy, Ward, Weber, M. Williams, J. Wood, Young, Zepnick and Ziegelbauer; cosponsored by Senators Reynolds, S. Fitzgerald, Zien, Breske, Harsdorf, Kanavas, Lazich, Leibham, Roessler and Schultz, by request of Wisconsin Restaurant Association.

To committee on **Judiciary**.

Assembly Bill 596

Relating to: intoxicated operation of all-terrain vehicles, registration fees for all-terrain vehicles, nonresident trail passes for all-terrain vehicles, safety training for operating all-terrain vehicles, a study concerning the recreational operation of all-terrain vehicles, noise level requirements for all-terrain vehicles, the formula used for calculating the all-terrain vehicle gas tax payment, granting rule-making authority, making appropriations, and providing penalties.

By Representatives Pettis, Ainsworth, Seratti, Hines and Van Roy; cosponsored by Senators Harsdorf and Decker.

To committee on **Tourism**.

COMMITTEE REPORTS

The committee on **Corrections and the Courts** reports and recommends:

Assembly Bill 352

Relating to: circumstances under which a prisoner may be permitted to leave a jail.

Passage:

Ayes: 10 – Representatives Bies, Albers, Underheim, Owens, F. Lasee, Suder, Pocan, Colon, Staskunas and Wasserman.

Noes: 0.

To committee on **Rules**.

Assembly Bill 421

Relating to: assessments, costs, fees, and surcharges.

Passage:

Ayes: 10 – Representatives Bies, Albers, Underheim, Owens, F. Lasee, Suder, Pocan, Colon, Staskunas and Wasserman.

Noes: 0.

To committee on **Rules**.

GAREY BIES

Chairperson

Committee on Corrections and the Courts

The committee on **Economic Development** reports and recommends:

Assembly Bill 522

Relating to: creating a certified capital company income and franchise tax credit.

Passage:

Ayes: 8 – Representatives McCormick, Nischke, Hahn, Vukmir, Lothian, Honadel, Van Akkeren and Steinbrink.

Noes: 0.

To joint committee on **Finance**.

TERRI MCCORMICK
Chairperson
Committee on Economic Development

The committee on **Education** reports and recommends:

Assembly Bill 94

Relating to: requiring a course in personal finance for high school graduation.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Olsen, Towns, Hahn, Kestell, Hundertmark, Townsend, Loeffelholz, Hines, J. Lehman, A. Williams, Ziegelbauer and Van Akkeren.

Noes: 4 – Representatives Nass, Krug, Plouff and Pope–Roberts.

Passage as amended:

Ayes: 10 – Representatives Olsen, Towns, Hahn, Kestell, Hundertmark, Townsend, Loeffelholz, Hines, J. Lehman and A. Williams.

Noes: 6 – Representatives Nass, Krug, Ziegelbauer, Plouff, Pope–Roberts and Van Akkeren.

To committee on **Rules**.

Assembly Bill 395

Relating to: the number of school days required each school term.

Passage:

Ayes: 14 – Representatives Olsen, Towns, Nass, Hahn, Kestell, Hundertmark, Townsend, Loeffelholz, Hines, J. Lehman, A. Williams, Ziegelbauer, Plouff and Van Akkeren.

Noes: 2 – Representatives Krug and Pope–Roberts.

To committee on **Rules**.

Assembly Bill 542

Relating to: carrying forward a school district's unused revenue limit authority to the succeeding school year.

Passage:

Ayes: 14 – Representatives Olsen, Towns, Hahn, Kestell, Hundertmark, Townsend, Loeffelholz, Hines, Krug, J. Lehman, A. Williams, Plouff, Pope–Roberts and Van Akkeren.

Noes: 2 – Representatives Nass and Ziegelbauer.

To joint committee on **Finance**.

LUTHER OLSEN
Chairperson
Committee on Education

The committee on **Property Rights and Land Management** reports and recommends:

Assembly Bill 271

Relating to: requiring notice to persons affected by zoning actions that change the allowable use of their property.

Passage:

Ayes: 8 – Representatives Albers, Musser, Ainsworth, Seratti, J. Wood, Gronemus, Black and Huber.

Noes: 0.

To committee on **Rules**.

Assembly Bill 340

Relating to: expanding town authority to create an official map and the status of an official town map.

Passage:

Ayes: 6 – Representatives Albers, Musser, Ainsworth, Seratti, J. Wood and Gronemus.

Noes: 2 – Representatives Black and Huber.

To committee on **Rules**.

SHERYL ALBERS
Chairperson
Committee on Property Rights and Land Management

The committee on **Public Health** reports and recommends:

Assembly Bill 108

Relating to: requiring rabies vaccination for cats and providing a penalty.

Passage:

Ayes: 5 – Representatives Hines, Johnsrud, McCormick, Wasserman and Schneider.

Noes: 2 – Representatives Underheim and Morris.

To committee on **Rules**.

Assembly Bill 332

Relating to: the full and equal enjoyment of a public place of accommodation or amusement by a person with a disability who is accompanied by a service animal.

Passage:

Ayes: 7 – Representatives Hines, Johnsrud, Underheim, McCormick, Wasserman, Morris and Schneider.

Noes: 0.

To committee on **Rules**.

Assembly Bill 351

Relating to: creating an individual income tax checkoff for a breast cancer research program, creating a breast cancer research program, requiring the exercise of rule-making authority, and making appropriations.

Passage:

Ayes: 7 – Representatives Hines, Johnsrud, Underheim, McCormick, Wasserman, Morris and Schneider.

Noes: 0.

To joint committee on **Finance**.

Assembly Bill 441

Relating to: prohibiting smoking in the vicinity of the state capitol building.

Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Hines, Johnsrud, Underheim, McCormick, Wasserman, Morris and Schneider.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Hines, Johnsrud, Underheim, McCormick, Wasserman, Morris and Schneider.

Noes: 0.

To committee on **Rules**.

J.A. HINES
Chairperson
Committee on Public Health

The committee on **Small Business** reports and recommends:

Assembly Bill 326

Relating to: allowing funeral directors and operators of funeral establishments to copy vital records.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Seratti, Nischke, LeMahieu, Weber, M. Williams, Balow, W. Wood and Krusick.

Noes: 2 – Representatives Van Roy and Pope–Roberts.

Passage as amended:

Ayes: 6 – Representatives Seratti, Nischke, LeMahieu, Weber, Balow and Krusick.

Noes: 4 – Representatives Van Roy, M. Williams, W. Wood and Pope–Roberts.

To committee on **Rules**.

LORRAINE SERATTI
Chairperson
Committee on Small Business

The committee on **Urban and Local Affairs** reports and recommends:

Assembly Bill 365

Relating to: authorizing municipal courts to contract with collection agencies and the sharing of collection costs by cities, villages, towns, and counties.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Gunderson, LeMahieu, M. Lehman, Lothian, Gottlieb, Huber, Berceau and Taylor.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Gunderson, LeMahieu, M. Lehman, Lothian, Gottlieb, Huber, Berceau and Taylor.

Noes: 0.

To committee on **Rules**.

SCOTT GUNDERSON
Chairperson
Committee on Urban and Local Affairs

MESSAGE FROM THE SENATE

By Donna J. Doyle, Assistant Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

Senate Bill 6
Senate Bill 121
Senate Bill 234

ACTION ON THE SENATE MESSAGE

Senate Bill 6

Relating to: creating a sales tax and use tax exemption for the sale of game birds.

By joint committee for review of Administrative Rules, by request of 2001–2002 Rule Objection.

To committee on **Ways and Means**.

Senate Bill 121

Relating to: disposal of oil–absorbent materials.

By Senators Harsdorf, Wirch and Decker; cosponsored by Representatives Plouff, Ott, Towns, J. Lehman, Huber, Lassa, Balow, Freese, Pettis, Bies, Hines and Miller.

To committee on **Rules**.

Senate Bill 234

Relating to: wholesale motor vehicle dealers.

By Senators Leibham, Kanavas, S. Fitzgerald, Breske, Plale, Carpenter, Brown, Welch, Risser and Schultz; cosponsored by Representatives Freese, Gronemus, M. Lehman, LeMahieu, Gunderson, Hahn, Hines, Hundertmark, Kestell, Krawczyk, McCormick, Montgomery, Ott, Petrowski, Rhoades, Shilling, Suder, Van Roy and Vrakas.

To committee on **Rules**.

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 9
Assembly Bill 42
Assembly Bill 106
Assembly Bill 204
Assembly Bill 329
Assembly Bill 344

Presented to the Governor on Tuesday, October 14.

PATRICK E. FULLER
Assembly Chief Clerk

COMMUNICATIONS

May 2, 2003

Patrick Fuller
Assembly Chief Clerk
208 Risser Justice Center
Madison, WI 53708

Dear Chief Clerk Fuller:

I hereby appoint Representative Spencer Black to the State of Wisconsin Building Commission.

Please feel free to contact me with any questions or concerns. Thank you.

Sincerely,
JIM KREUSER
Assembly Democratic Leader

October 13, 2003

Assembly Speaker John Gard
211 West – State Capitol

Dear Speaker Gard:

Please be advised that Representative Dan Schooff will not be present at the Joint Committee on Finance meeting on October 15, 2003. With your permission, Representative Pocan will be sitting in his place.

Thank you in advance for your consideration.

Sincerely,
JIM KREUSER
Assembly Democratic Leader

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

October 10, 2003

To the Honorable, the Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the first quarter of fiscal year 2004 (July 1, 2003 through September 30, 2003). As required by s. 562.02 (1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming, Bingo and Indian Gaming.

If you have any questions or comments regarding the report, please do not hesitate to contact Rachel Meek at (608) 270-2535.

Sincerely,
JOHNNIE L. SMITH
Division Administrator

Referred to committee on **State Affairs**.

State of Wisconsin
Department of Revenue
Madison

October 13, 2003

To the Honorable, the Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending September 30, 2003. As required by § 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Sales and Expenditure information.

Revenues for the quarter were \$123.2 million, up from \$98.3 million for the same quarter last year. The increase is attributable to a large Powerball jackpot at the beginning of the quarter. The Lottery expects that, in the absence of large jackpots, revenues will be lower in subsequent quarters, although revenues for this fiscal year are expected to be higher than last fiscal year.

The information reported here is a summary and is not intended to be a complete financial accounting of Wisconsin Lottery operations.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,
MICHAEL L. MORGAN
Secretary

Referred to committee on **State Affairs**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

October 14, 2003

To the Honorable, the Legislature:

At the request of Representative Sheryl Albers, we have compiled some information on the management of inmate property in the Department of Corrections' Division of Adult Institutions.

Because managing inmate property falls within the duties of many staff within the institutions, there is no direct way to identify the total expenditures required to inventory, monitor, control, and ship inmate property. However, in fiscal year (FY) 2002-03, the Department assigned an estimated 27.3

full-time equivalent correctional officers and sergeants to institution property rooms, where they created and maintained manual inventories of all inmate property and managed personal property shipped with inmates who were transferred to other adult institutions. The salaries and fringe benefits for these positions totaled approximately \$1.2 million. We estimate that in FY 2002-03, there were 47,300 inmate departures and arrivals, for which between 94,600 and 141,900 boxes of inmate property were inventoried and shipped, and between 47,300 and 94,600 oversized items were transferred between institutions.

Department staff may confiscate any inmate property if they believe doing so serves a legitimate interest, such as the preservation of prison security or safety of officers and inmates. Under s. [DOC 309.20 \(3\)\(g\)](#), Wis. Adm. Code, the Department reimburses inmates for any property lost or damaged by its staff. The Department each year investigates a large number of personal property complaints from inmates. While the number of complaints has increased steadily over

the past four years, the number of complaints approved by wardens and the amount of reimbursements paid out to inmates has decreased. In 2002, out of a total of 7,371 inmate personal property claims, the Department authorized reimbursement for 156 and paid \$4,641. The rate at which inmate property complaints are approved has fallen from 4.4 percent in 1999 to 2.1 percent in 2002.

Because of the amount of staff time spent on managing inmate property, particularly in maintaining manual, hand-written property inventories, we include a recommendation that the Department conduct a business process analysis of its inmate property inventory procedures to automate the system and further increase efficiency.

I hope you find this information useful. Please contact me if you have additional questions.

Sincerely,
JANICE MUELLER
State Auditor